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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,646	02/21/2001	Stacy Rhea Steuart	52493.000127	7075
<div>7590 Jennifer A. Albert, Esq. Hunton & Williams Suite 1200 1900 K Street, N.W. Washington, DC 20006</div> <div>12/27/2007</div>				
EXAMINER				
ADE, OGER GARCIA				
ART UNIT		PAPER NUMBER		
3627				
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12/27/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/788,646

Applicant(s)

STEUART ET AL.

Examiner

GARCIA ADE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 8, 12-14, 16, 21-24 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 9-11, 15-20, 25-27, and 31-34, is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 8, 12-14, 16, 21, 22, 24 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 3 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on October 9th, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the cited references.
2. Applicants amended claims 1, 21, 54, and 55.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1,2,7,8,12-14,16,21,22,24, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. in view of Hanby et al.

Bennett discloses a dedicated terminal 1003 at which data is exchanged. As such, it discloses providing sales-related data over a network (SHIPPING OR BUY/BIDDING), the sales related data being transmitted from a supplier (iShip) to a broker (shipper PC 1003) and being customized for the broker (user enters provider's system through a hypertext e-mail link), receiving at a supplier a request for sales-related data from a user associated with a broker (user uses the computer of the broker to get nearest shipping location based on e mail address), the request

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for sales related data input from a broker network address being utilized for the transmission of the request for sales related data (see, column 20, line 42, shipping center data defaults to preset origin zip code locations based on e-mail address recognized at log on); accessing broker information from a broker information database based on the broker network address (shipping center database is accessed for shipping location); displaying to the user at least a portion of the broker information with at least a portion of related information (system displays the location of nearest shipping location, column 20); receiving at the supplier request-related information from the user (user sends weight of package information to system).

But Bennett does not explicitly disclose insurance based inquiry system and thus does not explicitly disclose accessing state related information that includes at least one of the users' state of residence and the state in which the broker is licensed and generating the sales-related data based on the received request-related information based on the state related information, and including broker contact information.

However, Hanby et al. do disclose an internet based insurance sales method/system wherein the quote engine the require rule to effect the desired quote see, column 6 line 35; including broker contact information at column 4, and official notice is taken of the state based rate for insurance policies. It would be obvious to modify Bennet to include the internet based insurance purchasing application taught by Hanby et al. the motivation being the rapidity of ordering

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before rate changes occur. The article claims of 21 et seq. are deemed met by the function described above in terms of the apparatus, which performs the same.

Regarding claims 2 and 22, Bennett discloses asking the user to select the user's state of residence; and receiving the user's state of residence selection, and the user's zip code caused the closest most location to be displayed thereby answering wherein the step of generating the sales-related data includes the sub-step of determining the sales-related data to generate based on the user's state of residence selection.

Regarding claim 7, Bennett discloses original zip code, which answers to receiving a state of residence.

Regarding claim 8, the freight charge is read as sales-related duty.

Regarding claims 12-14, and 28-30: official notice is taken of the old and notorious practice of generating an error message, returning incomplete forms and generating a decline message for unacceptable responses.

Allowable Subject Matter

5. Claims 54 and 55 are allowed.
6. Claims 3 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed on March 27th, 2007 have been fully considered but they are not persuasive.

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Applicant argue that Bennett does not disclose "receiving, at a supplier, a request for sales-related data from a user associated with a broker, the request for sales-related being transmitted from a broker network address of the broker, the broker network address being utilized by the user for the transmission of the request for sales-related data". The Examiner respectfully disagrees. Bennet's invention discloses a system and method that apply for requesting sales-related data selected by each of a plurality of users, in response to each particular user's request. Figures 33a and 33b of Bennet represent sales-related database that is store by the system regarding a particular request. Bennett further discloses calculating a shipping rate for shipping each particular parcel to be shipped by the particular user for each of a plurality of services offered by each of a plurality of carriers according to a set of shipping location rules for each carrier, and according to a set of pricing rules for each service offered by each carrier as applied to a set of parcel specifications for the particular parcel input by the particular user wherein the shipping rate for each service offered by each Carrier includes, to the extent appropriate for each Carrier, any additional charges, or any reduction in charges, for the particular billing option selected by the user.

In response to Applicants argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.

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Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references are selected as being reasonably pertinent to the problem based on the judgment of a person having ordinary skill in the art. It is necessary to consider the reality of the circumstances, in other words, common sense in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor. *In re Wood*, 599 F.2d 1032, 1036, (C.C.P.A. 1979). A reference is either in the field of the applicant's endeavor or is reasonably pertinent to the problem with which the inventor was concerned in order to rely on that reference as basics of rejection. *In re Oetiker*, 977 F.2d 1443, 1447 (Fed. Cir. 1992).

In this case the references are selected as being reasonably pertinent to the problem based on the judgment of a person having ordinary skill in the art. It is necessary to consider the reality of the circumstances, in other words, common sense in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor. *In re Wood*, 599 F.2d 1032, 1036, (C.C.P.A. 1979).

However, Hanby's system uses thin client architecture to improve the speed and accuracy of the entire insurance operation. To overcome the complexity of the calculation in a requested quote and to speed up the operation of presenting a proposal, the processes are divided into server and client processes. Quote information is entered at the client level and complex calculations to generate the quote are performed at the server through a Wide Area Network ("WAN"). This configuration results in the ability to produce on-line quotes using rule based

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quoting logic and completing the process in seconds. Handy's system also eliminates the need for human interaction beyond the collection of information by the sales representative. Official Notice is taken of the state based rate for insurance policies.

For the above reasons, it is believed that the rejections should be sustained. Therefore, Applicants arguments are deemed nonpersuasive.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARCIA ADE whose telephone number is (571)272-5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571.272.6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Garcia Ade
Examiner
Art Unit 3627

ga

/Andrew Joseph Rudy/

Primary Examiner, Art Unit 3627

Application Number

Application/Control No.

09/788,646

Applicant(s)/Patent under
Reexamination

STEUART ET AL.

Examiner

GARCIA ADE

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